

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Thomas Daniel Rhodes,

Civil No. 04-176 (RHK/SRN)

Petitioner,

ORDER

v.

**Joan Fabian, Minnesota Commissioner
of Corrections,**

Respondent.

Petitioner has filed timely Objections to the April 22, 2005, Report and Recommendation of Magistrate Judge Susan Richard Nelson. The parties have provided detailed submissions in support of, and in opposition to, the Objections.

The Court has reviewed de novo the objected to portions of the Report and Recommendation. That review satisfies the undersigned that Judge Nelson 's recommendation that the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be denied is fully supported by the factual record before Judge Nelson and the controlling legal principles relied upon by her. Her Report and Recommendation is thorough and well reasoned and this Court will adopt it in its entirety believing that no useful purpose would be served by a second opinion reaching the same conclusions.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Objections (Doc. No. 40) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 37) is **ADOPTED**; and
3. The Petition for Writ of Habeas Corpus (Doc. No. 1) is **DENIED**.

Dated: September 12, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge